

Blake D. Miller (#4090)
Craig H. Howe (#7552)
MILLER GUYMON, P.C.
165 Regent Street
Salt Lake City, Utah 84111
Telephone: (801) 363-5600
Facsimile: (801) 363-5601
e-mail: miller@millerguymon.com
e-mail: howe@millerguymon.com

Attorneys for BDRC 4Site, LLC

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

In re:

EASY STREET HOLDING, LCC, et al.,

Debtors.

Bankruptcy Case No. 09-29905
(Jointly Administered with Cases
09-29907 and 09-29908)

Chapter 11

Honorable R. Kimball Mosier
(Filed Electronically)

MOTION FOR PROTECTIVE ORDER

BDRC 4Site, LLC (“BDRC”) hereby moves for a protective order in response to the *Amended Notice of Rule 30(b)(6) Deposition of BDRC 4Site, LLC* filed by WestLB, AG (“WestLB”) on September 9, 2010 (Dkt. #695). This motion is supported by the accompanying memorandum in support of motion for protective order. For the reasons set forth in the accompanying memorandum, BDRC respectfully requests that the Court enter an order requiring that any deposition of BDRC pursuant to Rule 30(b)(6) be conducted in Austin, Texas, where BDRC’s corporate offices are located.

Under Rule 26-2 of the Rules of Practice of the United States District Court for the District of Utah, made applicable in this contested matter by Rule 1001-1(a) of the Rules of Practice of the United States Bankruptcy Court for the District of Utah, the filing of a motion for protective order within three business days after service of the notice of deposition imposes an automatic stay of the deposition until the motion is determined. Accordingly, because this motion has been timely filed within three business days after September 9, 2010, the filing of this motion stays the deposition scheduled for October 8, 2010, as set forth in the amended notice.

Finally, pursuant to Rule 26(c), counsel for BDRC hereby certifies that, despite good-faith efforts to confer with counsel for WestLB in an effort to resolve the dispute without court action, counsel for the parties have been unable to resolve the dispute that is the subject of this motion.

DATED this 14th day of September 2010.

MILLER GUYMON, P.C.

/s/ Craig H. Howe
Blake D. Miller
Craig H. Howe
Attorneys for BDRC 4Site, LLC